

**LISTING OF CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application.

1-13. (Canceled)

14. (Previously Amended) A surgical apparatus as claimed in claim 32, wherein the tissue stimulation element comprises a stimulation electrode.

15-16 (Canceled).

17. (Previously Amended) A surgical apparatus as claimed in claim 33, wherein the tissue stimulation element comprises a stimulation electrode.

18. (Canceled).

19. (Previously Amended) A surgical apparatus as claimed in claim 33, wherein the anchor includes a flexible carrier.

20. (Original) A surgical apparatus as claimed in claim 19, the flexible carrier is non-linear when in a relaxed state.

21-31. (Canceled)

32. (Currently Amended) A surgical apparatus for use with a tissue structure, comprising:

a tissue stimulation element having a diameter of about 0.5mm to 1.0mm and configured to emit stimulation energy that is applied to tissue, wherein a size of the tissue stimulation element is too small to form a transmural myocardial lesion; and

means, associated with the tissue stimulation element, for securing the surgical apparatus to the tissue structure by engaging a single side of the tissue structure and pressing the stimulation element against the single side of the tissue structure.

33. (Currently Amended) A surgical apparatus for use with tissue, comprising:

a tissue stimulation element having a diameter of about 0.5mm to 1.0mm and configured to emit stimulation energy that is applied to tissue, wherein a size of the tissue stimulation element is too small to form a transmural myocardial lesion; and

an anchor, associated with the tissue stimulation element, the anchor being configured to secure the surgical apparatus to the tissue by piercing the tissue and pressing the stimulation element against the tissue.

34. (Currently Amended) A surgical apparatus for use with a tissue surface, comprising:

first and second tissue stimulation elements configured to emit stimulation energy that is applied to tissue;

a flexible carrier movable between an unstressed state and a deflected and stressed state and including a first end portion that carries the first tissue stimulation element, a second end portion that carries the second tissue stimulation element, and a curved interior portion located between the first and second end portions and configured such that the curved interior portion will be in spaced relation to the tissue surface when the end portions are in contact with the tissue surface and the carrier is in the unstressed state; and

a tissue engagement device carried by the curved interior portion of the carrier between the first and second tissue stimulation elements and configured to secure the carrier to the tissue surface in the deflected and stressed state.

35. (Previously Presented) A surgical apparatus as claimed in claim 34, wherein the carrier is configured to press the tissue stimulation element against the tissue surface when in the deflected and stressed state.

36. (Previously Presented) A surgical apparatus as claimed in claim 34, wherein the tissue engagement device is configured to hold the curved interior portion of the carrier substantially against the tissue surface.

37. (Previously Presented) A surgical apparatus as claimed in claim 34, wherein the tissue engagement device comprises first and second tissue piercing members.

38. (Withdrawn) A surgical apparatus as claimed in claim 34, wherein the tissue engagement device comprises a helical tissue piercing member.

39. (Withdrawn) A surgical apparatus as claimed in claim 34, wherein the tissue engagement device comprises adhesive.

40. (Previously Presented) A surgical apparatus as claimed in claim 34, wherein the first and second tissue stimulation elements comprises first and second stimulation electrodes.

41. (Previously Amended) A surgical apparatus as claimed in claim 34, the first and second tissue stimulation elements each having a diameter of about 0.5mm to 1.0mm in diameter, wherein a size of each tissue stimulation element is too small to form a transmural myocardial lesion.

42. (Currently Amended) The surgical apparatus of claim 34~~4~~, the tissue engagement device having a sharpened end for piercing tissue.

43. (Canceled).